THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.1792 of 2006

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DATED: 31-01-2006

Between:

B.Satyanarayana & another . . .Petitioners

and

The Deputy Commissioner of Endowments,

Warangal, and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The facts of this case disclose the manner in which, the temples in the State of Andhra Pradesh, are subjected to mal-administration and their limited resources are squeezed by the interested persons, particularly, the so-called secular employees. A stage has come when the survival of the temples, is made to depend upon the mercy of such employees.

Sri Venkateswara Swami Temple, Karimnagar Town, had the cadre strength of one Junior Assistant, one night Watchman and one Attender. The Commissioner of Endowments Department, Andhra Pradesh, Hyderabad, is the competent authority to fix and revise the cadre strength of different categories of posts in the temples, depending upon their income and necessity.

Though there exists only one post of Junior Assistant, the petitioners herein, who are the employees of other temples in the District, got themselves transferred to Sri Venkateshwara Swami Temple, Karimnagar, about ten years back. All the three Junior Assistants were functioning and the limited resources of the temple were siphoned of, in the form of salaries to them. To add a semblance of legality to this, the proceedings, dated 06-04-2002, were issued by the then Deputy Commissioner of Endowments, first respondent herein, sanctioning two more posts of Junior Assistants. The illegality was so brazen, that a clause was incorporated in the order to the effect that the persons/employees working over and above the cadre strength, must be adjusted against the sanctioned posts.

In the recent past, the illegality that was continuing in this regard, was noticed by the Superintendent of Police (Vigilance and Enforcement), Karimnagar. The state of affairs existing in the second respondent temple appears to have been brought to the notice of the first respondent. Soon thereafter, the first respondent issued orders, dated 02-01-2006, restoring the original cadre strength. Consequently, the posts held by the petitioners became surplus. Therefore, they have been transferred to their original places of appointment through proceedings, dated 20-01-2006. The petitioners challenge the proceedings, dated 02-01-2006 and 20-01-2006.

Learned counsel for the petitioners submits that once the cadre strength was fixed by the first respondent in the year 2002, it could have been reduced or revised, only with the specific approval of the Commissioner, Endowments Department, Andhra Pradesh, Hyderabad, and that the orders passed by the first respondent, dated
02-01-2006, cannot be sustained in law. He further contends that the petitioners ought not to have been shifted in the middle of the academic year, even if the cadre strength has been reduced. Another submission made by the learned counsel is that a Junior Assistant, who is junior to the petitioners, is retained in the existing vacancy. Several other contentions were also urged.

Learned Government Pleader for Endowments submits that for all practical purposes, the sanctioned strength of Junior Assistants in the second respondent temple was only one and the orders issued in 2002 increasing it to three, cannot be said to be valid. He further contends that the first respondent has taken necessary corrective steps, to ensure that the expenditure in the second respondent temple does not exceed the prescribed limits. The submissions of Sri Kondaveeti Ravi, learned Standing Counsel for the second respondent, are to the same effect.

It is un-understandable as to how the petitioners came to be posted in the second respondent temple and functioned there, for the past ten years, when the sanctioned strength of Junior Assistants was only one. The Vigilance Cell has pointed out that the establishment expenditure towards salary in the second respondent temple exceeded 50% of its income. Therefore, the first respondent had to take immediate corrective steps.

The challenge by the petitioners to the orders, dated 02-01-2006, reducing the cadre strength of Junior Assistants to one post, is on the ground that it ought to have been approved by the Commissioner. When the increase in cadre strength was effected without the approval of the Commissioner, his approval is not required for restoration. The contention that the first respondent is not the competent authority cannot, at all, be accepted. The reason is that it is the first respondent, who issued orders in 2002 increasing the cadre strength to three. If it was competent for him to enhance the cadre strength, it is equally competent for him to reduce it. At any rate, since the petitioners were posted in the second respondent temple even in the absence of any orders, increasing the cadre strength, the subsequent proceedings in the matter of revising the cadre strength become hardly of any relevance in their context.

So far as the plea that the transfers are made effected in the middle of the academic year is concerned, it needs to be observed that there are instances, wherein, this Court interfered with such transfers and directed continuance of the employees, till the end of the academic year. Those, however, are the cases where the posts as such existed, and the controversy was limited to the one shifting an individual. In the instant case, the posts do not exist either from the beginning or at any rate with effect from 02-01-2006. Therefore, even if any indulgence can be shown to the petitioners on the ground of the transfer being in the middle of the academic year, it is impossible to continue them in the existing stations.

It has already been noticed that continuance of the petitioners in the second respondent temple would result in violation of Section 57 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, which stipulates the limits of expenditure that can be incurred towards payment of salary.

Viewed from any angle, this Court does not find any basis to grant any relief to the petitioners.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

31st JANUARY, 2006.

Note: L.R. Copy be marked.

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